

EDWARD GUTIERREZ
BGJ 774 / 06083690
150 W. HEDDING ST.
SAN JOSE, CA. 95110

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWARD GUTIERREZ
PLAINTIFF,

No. C 07-4251 MMC (PR)

v.

DECLARATION IN SUPPORT OF

SANTA CLARA COUNTY
DEPARTMENT OF CORRECTION;
MEDICAL DEPARTMENT;

SUBPOENA DUCES TECUM.

EDWARD C. FLORES, CHIEF
OF CORRECTIONS; CAPTAIN
D. SEPULVEDA, JAIL COM-

DATE: _____

TIME: _____

DEPT: _____

MANDER; % WARFIELD,
#2642; DR. ALEXANDER
CHYORNY; LORI HORN;

DR. JOHN C. LURRICH;

DR. MARIA JUAREZ-REYES

DR. ANITA GADDIPATI;

DR. G. VERSALES, et al.,

DEFENDANTS.

I EDWARD GUTIERREZ DECLARE:

I AM THE PLAINTIFF IN THE ABOVE-ENTITLED CAUSE IN
THE SANTA CLARA DEPARTMENT OF CORRECTION AT 150
W. HEDDING ST. SAN JOSE, CALIFORNIA 95110.

I AM PROCEEDING IN PROPRIA PERSONA IN THIS
ACTION UNDER 42 U.S.C. §1983.

THE SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
MEDICAL DEPARTMENT HEALTH INFORMATION TECHNICIAN
LOCATED AT 150 W. HEDDING ST. SAN JOSE, CALIFORNIA
95110, HAS IN HIS/HER POSSESSION DESCRIBED
DOCUMENTS:

ANY AND ALL MEDICAL RECORDS
PERTAINING TO: INMATE EDWARD GUTIERREZ, BGJ 774,
06083690 D.O.B. 10-23-59

1 COMMENCING WITH THE DATE OF TREATMENT ON:
2 DECEMBER, 13, 2006 THROUGH FEBRUARY, 13, 2008
3 TO THE PRESENT TO INCLUDE, BUT NOT LIMITED
4 TO THE FOLLOWING:

- 5 1. NURSE'S NOTES AND WHITE CARD RECORDS;
- 6 2. DIAGNOSIS, TREATMENT AND PROGNOSIS;
- 7 3. DOCTOR'S REPORTS FROM BOTH HANDWRITTEN AND DICTATED
8 MEDICAL RECORDS
- 9 4. X-RAYS;
- 10 5. FOLLOW-UP EXAMINATIONS;
- 11 6. ANY AND ALL PHOTOS AND/OR POLAROID'S TAKEN;
- 12 7. INITIAL ASSESSMENT RECORDS;
- 13 8. NURSING RECORDS;
- 14 9. TRAUMA RECORDS;
- 15 10. CHART NOTES;
- 16 11. HOSPITAL PATIENT CARE RECORDS;
- 17 12. X-RAY REPORTS;
- 18 13. LABORATORY RESULTS;
- 19 14. NUCLEAR MEDICINE / IMAGING RECORDS;
- 20 15. PHARMACY RECORDS;
- 21 16. SURGICAL RECORDS;
- 22 17. INCLUDE NAMES OF DOCTORS AND NURSES
23 IN RECORDS;
- 24 18. NAME OF CHIEF PHYSICIAN IN CHARGE;
- 25 19. NAME OF HEAD NURSE.

26 SAID RECORDS CONTAIN RELEVANT MATERIAL
27 EVIDENCE ON THE ISSUE OF DEFENDANT'S
28 GUILT OR INNOCENCE, IN THE ABOVE-ENTITLED
CASE.

1 ALL INTERESTED PARTIES, WHOSE RECORDS ARE
2 BEING SOUGHT, HAVE BEEN SENT NOTICE OF THE
3 TIME AND DATE SET FOR HEARING AND ADVISED
4 OF HIS / HER RIGHT TO BE HEARD AT SUCH
5 HEARING.


6 WHEREFORE, DECLARANT PRAYS THAT A
7 SUBPOENA DUCES TECUM BE ISSUED REQUIRING
8 THE SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
9 MEDICAL DEPARTMENT HEALTH INFORMATION TECH-
10 NICIAN TO PRODUCE THE ABOVE DESCRIBED
11 DOCUMENTS AND RECORDS AT A SESSION OF
12 OF THE ABOVE-ENTITLED COURT ON _____
13 AT _____ AND EACH SUCCEEDING DAY
14 THEREAFTER UNTIL EXCUSED BY THE COURT.

15 YOU ARE NOT REQUIRED TO APPEAR IN
16 PERSON IF YOU PRODUCE THE RECORDS
17 DESCRIBED IN THE ACCOMPANYING AFFIDAVIT
18 AND A COMPLETED DECLARATION OF MEDICAL
19 DEPARTMENT HEALTH INFORMATION TECHNICIAN
20 IN COMPLIANCE WITH FEDERAL RULES OF
21 CIVIL PROCEDURE RULE 34: (a), (1), (A),
22 (b), (A)(B) AND (E) (i), (ii); RULE 45:
23 (a) IN GENERAL (A), (C), (D), AND 45:
24 (b), (2), (A), (D), (1). PLACE A COPY
25 OF THE RECORDS IN AN ENVELOPE (OR
26 OTHER WRAPPER) ENCLOSE OUR ORIGINAL
27 DECLARATION WITH THE RECORDS, WITH THE
28 APPROPRIATE INFORMATION FILLED IN BY

1 YOU AND SIGNED, SEAL THEM. (2). ATTACH
2 A COPY OF THIS SUBPOENA TO THE ENV-
3 ELOPE OR WRITE ON THE ENVELOPE THE
4 CASE NAME AND NUMBER, YOUR NAME AND
5 DATE, TIME, AND PLACE FROM ITEM IN
6 SUBPOENA i.e. TO:. (3). PLACE THIS
7 FIRST ENVELOPE IN AN OUTER ENVELOPE,
8 SEAL IT, AND MAIL TO OFFICE OF THE
9 CLERK, U.S. DISTRICT COURT NORTHERN
10 DISTRICT OF CALIFORNIA 450 GOLDEN-
11 GATE AVENUE SAN FRANCISCO, CALIFORNIA,
12 94102 (4) MAIL A COPY OF YOUR DEC-
13 LARATION TO THE PARTY SHOWN AT
14 THE TOP OF THIS FORM.

15
16 I DECLARE UNDER PENALTY OF PERJURY
17 THAT THE FOREGOING IS TRUE AND CORRECT
18 TO THE BEST OF MY KNOWLEDGE AND
19 BELIEF, AND THAT THIS DECLARATION WAS
20 EXECUTED ON _____ AT SAN JOSE,
21 CALIFORNIA.

22
23 DATE: _____

24 
25 EDWARD GUTIERREZ
26 PLAINTIFF.
27
28